

**b.) Remarks**

Claims 1-7 and 9-46 are pending in this application. Claims 17, 39, and 42 have been amended in various particulars as indicated hereinabove. Claim 8 has been cancelled without prejudice or disclaimer.

Claims 17, 39, and 42 were objected to because of informalities. Claims 17, 39 and 42 have been amended to correct those informalities.

Claims 1-16, 32-35, 39, 42, 44, and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka *et al.* (U.S. Patent No. 6,349,373) in view of Cooke, Jr. *et al.* (U.S. Patent No. 6,574,629), and further in view of DeClute *et al.* (U.S. Patent No. 5,053,948). In related rejections, claims 36-38 were rejected under 35 U.S.C. 103(a) as being over Sitka *et al.* (U.S. Patent No. 6,349,373) in view of Cooke, Jr. *et al.* (U.S. Patent No. 6,574,629) and further in view of DeClute *et al.* (U.S. Patent No. 5,053,948), and further in view of Sacilotto, Jr. *et al.* (U.S. Patent No. 6,763,523); claims 17-26, 28, 29, 31, 40, and 45 were rejected under 35 U.S.C. 103(a) as being over Sitka *et al.* (U.S. Patent No. 6,349,373) in view of De Clute *et al.* (U.S. Patent No. 5,053,948), and further in view of Sacilotto, Jr. *et al.* (U.S. Patent No. 6,763,523); claims 27 and 30 were rejected under 35 U.S.C. 103(a) as being over Sitka *et al.* (U.S. Patent No. 6,349,373) in view of DeClute *et al.* (U.S. Patent No. 5,053,948), and Sacilotto, Jr. *et al.* (U.S. Patent No. 6,763,523), and further in view of Cooke, Jr. *et al.* (U.S. Patent No. 6,574,629); claim 41 was rejected under 35 U.S.C. 103(a) as being over Sitka *et al.* (U.S. Patent No. 6,349,373) in view of DeClute *et al.* (U.S. Patent No. 5,053,948), and Sacilotto, Jr. *et al.* (U.S. Patent No. 6,763,523), and further in view of Blickenstaff *et al.* (U.S. Patent No. 5,537,585); and claim 43 was rejected under 35 U.S.C. 103(a) as being over Sitka *et al.* (U.S. Patent No. 6,349,373) in view of Cooke, Jr., *et al.* (U.S. Patent No. 6,574,629), and further in view of DeClute *et al.* (U.S. Patent No. 5,053,948), and further in view of Blickenstaff *et al.* (U.S. Patent No. 5,537,585). These rejections are respectfully traversed for the following reasons.

For an obviousness rejection to be proper, the Patent Office must meet the burden of establishing a *prima facie* case of obviousness. The Patent Office must meet the

burden of establishing that all elements of the invention are disclosed in the cited publications, which must have a suggestion, teaching or motivation for one of ordinary skill in the art to modify a reference or combined references. *In re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). The cited publications should explicitly provide a reasonable expectation of success, determined from the position of one of ordinary skill in the art at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Each of the independent claims requires a database file that contains information describing clinical procedures of the patient medical data stored on the storage media. For example, claim 1 requires a "database file recorded on the storage media [that] contains information describing clinical procedures of the patient medical data stored on the storage media."

None of the applied reference shows or suggests such a file in a similar system, including such as database file. For example, the Sitka, *et al.* provide no teaching concerning how data files should be organized on the storage media. Similarly, the required teachings are absent from the Cook, *et al.* patent.

Attempts have been made to analogize the claimed database file to the DeClute index log. The DeClute system, however, uses a different configuration than that claimed. Specifically, the DeClute index log is merely a conventional index file for a magnetic storage system, but in which erasures are prevented. It simply stores file header information, file ownership and physical location information. See column 3 of US 5,053,948 to DeClute, *et al.* It seems to essentially store version information as files are updated.

Different from the present claimed invention, none of the cited references shows or suggests a database file recorded on the storage media [that] contains information describing clinical procedures of the patient medical data stored on the storage media. In short, none of the applied reference teaches the use or advantages of such a database file.

The advantage of the claimed file is improved performance. With the present invention, a quick analysis of one file can provide information on the clinical procedures of a patient that stored on the disk. This is not suggested by the applied references.

Thus, Applicants request withdrawal of the rejections.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

By           /grant houston/            
J. Grant Houston  
Registration No.: 35,900  
Tel.: 781 863 9991  
Fax: 781 863 9931

Lexington, Massachusetts 02421  
Date: November 13, 2006